

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA

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SOUTHERN DISTRICT OF IOWA

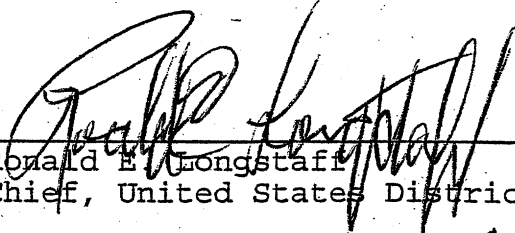
PLAN OF THE UNITED STATES)
DISTRICT COURT FOR THE)
SOUTHERN DISTRICT OF IOWA FOR)
RANDOM SELECTION AND SERVICE)
OF GRAND AND PETIT JURORS)

MISC. NO. M1-50


ORDER

IT IS ORDERED that the first paragraph of Section 5 of the Plan of the United States District Court for the Southern District of Iowa for Random Selection of Grand and Petit Jurors is amended by inserting the following sentence at the end of the paragraph: "At the option of the Clerk of Court with the approval of the Court, any or all master jury wheels may be emptied and refilled at two year intervals."

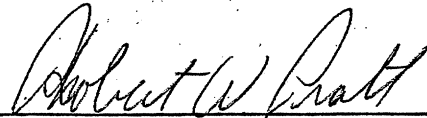
Dated this 18th day of September, 2000.



Ronald E. Longstaff
Chief, United States District Judge



Charles R. Wolle
United States District Judge



Robert W. Pratt
United States District Judge

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF IOWA**

**PLAN OF UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA FOR RANDOM SELECTION
AND SERVICE OF GRAND AND PETIT JURORS ADOPTED PURSUANT
TO THE JURY SELECTION AND SERVICE ACT OF 1968**

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PREFACE

Considerations for Adaption of the Act

To the Southern District of Iowa

This District substantially includes the southern half of Iowa. There are forty-seven counties in the District, which are grouped into six (6) statutory Divisions (28 USC 95(b)) identified and subsisting as follows:

1. The Central Division, consisting of twelve contiguous counties, having a population of approximately 560,000 and a Court seat at Des Moines, the headquarters of the entire District.

2. The Davenport Division, consisting of five (5) contiguous counties, having a population of approximately 200,000, and a Court seat at Davenport.

3. The Western Division, consisting of nine (9) contiguous counties, having a population of approximately 180,000 and a Court seat at Council Bluffs.

4. The Southern Division, consisting of nine (9) contiguous counties having a population of approximately 125,000 and very inadequate Court facilities at Creston. All Federal judicial business of this Division is, and for many years past has been, pretermitted and transferred to the Central Division at Des Moines.

5. The Ottumwa Division, consisting of seven (7) contiguous counties and having a population of approximately 140,000. There are no subsisting Federal Court facilities in the Ottumwa Division, and for the past several years, all

Federal Judicial business of this Division has been pretermitted and transferred to the Central Division at Des Moines.

6. The Eastern Division consisting of five (5) contiguous counties having a population of approximately 130,000. This Division has a Court facility at Keokuk, which was built and furnished in 1880 and is currently occupied and partially maintained by the District Court of Iowa in Lee County. Federal Judicial business in this Division has for many years past been pretermitted and transferred to the Davenport Division.

A criminal case tried in 1957 was the last occasion for impanelling a jury in the Federal Court in any of the pretermitted Divisions of this District. The volume of Court business in those Divisions does not warrant the maintenance of Court staff or facilities therein. The recision of Rule 19, Federal Rules of Criminal Procedure has terminated any foreseeable need to impanel a Federal jury in those Divisions.

However, compliance with the Jury Selection and Service Act of 1968 requires that each political subdivision of this District, be included in the Plan, to supply a proportionate number of prospective jurors for service in this Court.

Under Iowa law, the county is the political subdivision most amenable to functional adaptation of the Act. Official records of voters at General Elections in Iowa, are filled with and retained by the county auditor in each county until destroyed as required by law.

Election records in Iowa are basically the Poll Books wherein the election

officials in each voting precinct record the name and residential address of each voter. These are the only such records of electorates which are common to all areas.

Registration of voters in Iowa is required by statute only in cities having a population of 10,000 or more. Cities having a population of less than 10,000, but more than 4,000 may require registration of voters by Ordinance. And by appropriate resolution, County Boards of Supervisors may require registration of voters in rural Townships having a population in excess of 1,500. Section 47.1, Code of Iowa.

While all such records are made available for inspection by the public, they are by law required to be retained in the custody of local officials. Hence, unless copies can be obtained, employment of these records as a source for jury lists would require that an authorized officer of the Court travel to each county in the District to gather the requisite list of prospective jurors.

Since the gathering of these names and addresses is to be by random selection, and insofar as is possible, free from any discretionary exercise of judgment on the part of persons making the selection, it is reduced to a mechanical, administrative function.

Under powers of discretion conferred upon the Court by the Act, and in the interests of efficiency and economy, this strictly administrative function will be delegated to the Clerk or his Deputies.

PLAN

Pursuant to the Jury Selection and Service Act of 1968, Public Law 90-274, the regular active judges of the United States District Court for the Southern District of Iowa, do hereby adopt the following plans for the random selection and service of grand and petit jurors in said district and the divisions thereof:

SECTION 1: Effective Date and Duration:

These plans for jury selection shall be placed in operation after approval by the reviewing panel as provided in paragraph (a) of Section 1868, Title 28, United States Code, as amended by the Jury Selection and Service Act of 1968. Jury service under these plans shall be required in all jury cases in which the trials begin on December 22, 1968, or thereafter. The plans shall remain in force and effect until approval of one or more modifications of these plans by said reviewing panel. Modifications of these plans may be initiated by the court and submitted to the reviewing panel for approval; and these plans shall be modified as and when directed by said reviewing panel.

Section 2: Purpose of Plans:

(a) It is the purpose of these plans to satisfy the requirements and to implement the policies declared in Section 1861 of Title 28, United States Code. These plans are designed to ensure that:

- (i) all litigants in Federal Courts entitled to trial by jury shall have the right to grand and petit juries selected at random from a fair

cross section of the community in the district or division wherein the court convenes,

(ii) all citizens shall have the opportunity to be considered for service on grand and petit juries in the district courts of the United States, and

(iii) all citizens shall have an obligation to serve as jurors when summoned for that purpose.

(b) It is further the purpose of these plans to implement the prohibition against discrimination contained in Section 1862, Title 28, United States Code, which provides that no citizen shall be excluded from service as a grand or petit juror in the district courts of the United States on account of race, color, religion, sex, national origin, or economic status.

Section 3: Separate Plans Applicable to the Division of District:

The Southern District of Iowa is divided by statute, Section 95 of Title 28, United States Code, into six divisions as follows:

(a) Central Division consisting of Boone, Dallas, Greene, Guthrie, Jasper, Madison, Marion, Marshall, Polk, Poweshiek, Story, and Warren Counties.

(b) Davenport Division consisting of Clinton, Johnson, Muscatine, Scott and Washington Counties.

(c) Western Division consisting of Audubon, Cass, Fremont, Harrison, Mills, Montgomery, Page, Pottawattamie and Shelby Counties.

(d) Southern Division consisting of Adair, Adams, Clarke, Decatur, Lucas, Ringgold, Taylor, Union and Wayne Counties.

(e) Ottumwa Division consisting of Appanoose, Davis, Jefferson, Keokuk, Mahaska, Monroe and Wapello Counties.

(f) Eastern Division consisting of Des Moines, Henry, Lee, Louisa and Van Buren Counties.

Pursuant to the authorization contained in subparagraph (a) of Section 1863, and for the purposes hereinafter stated, the following plan shall be applicable to each of the separate divisions of the Southern District of Iowa as provided hereinafter.

Section 4: Management and Supervision of the Jury Selection Process:

The Clerk of the Court shall manage the jury selection process, under the supervision and control of the chief judge and in the absence of the chief judge from the district, the clerk shall act under the general supervision and control of the regular active district judge who is present and who has been in service the greatest length of time.

Section 5: Sources of Names of Prospective Jurors:

While voter registration lists represent a fair cross section of the community in each division of the Southern District of Iowa, an even greater number of citizens will be eligible for jury service if a supplemental source is used. Accordingly, names of grand and petit jurors shall be selected at random from voter registration lists in all counties in each division supplemented by lists of

motor vehicle operators for each county with motor vehicle operators lists hereafter will be known as the "supplemented voter registration lists." In any selection of prospective jurors from supplemented voter registration lists, the Clerk shall make the selection from the official records maintained by the State of Iowa and local officials. The master jury wheels shall be emptied and refilled following the general election every four years; i.e., 1996, 2000, 2004, etc. The refilling of each master jury wheel shall be accomplished within 180 days after each such election unless for good cause the time shall be extended or shortened by order of the Chief Judge, or in his absence the regular active District Judge who is present and who has been in service the greatest length of time.

The names selected shall be arranged in alphabetical sequence or other sequence determined by the Clerk. A record shall be kept by the Clerk of the names selected.

Section 6: Selection From the Official Supplemented Voter Registration

Lists:

In respect to any political subdivision of Iowa within the district, random selection may be made by either one of the following alternative methods:

(a) Copies of such lists may be secured by the Clerk as may be necessary and proper for performance of duties under this plan; from such lists, when available, selections under this plan may be made.

(b) The Clerk or an authorized deputy may proceed to the office of, or other place selected by, the state official having custody of said records and make the selections directly from the original records.

(c) The Court may, at the option of the Clerk and the Chief Judge, direct the use of electronic data processing methods for any combination of the following tasks:

- (1) Recording in machine readable form names that are initially selected manually from source lists authorized by this plan.
- (2) Selecting and copying of names for the master wheel, from source lists authorized by this plan, from any or all counties that maintain these lists in machine readable form such as punched cards, magnetic tapes, or magnetic discs.
- (3) Selecting and copying of names, from the master wheel, for the addressing of questionnaires and for other clerical tasks.
- (4) Selecting and copying names, from the qualified wheel, for summoning persons to serve as grand or petit jurors, and for the creation of any papers and records, necessary to recruit, select, and pay jurors.

If the court elects to use electronic machine methods, or a combination of manual and machine methods, for any tasks described above, the selection system shall be planned and programmed according to a "starting number" and "quotient" formula. This formula will ensure that any group of names

chosen will represent all segments of source files from which drawn and that the mathematical odds of any single name being picked are substantially equal.

Section 7: Procedures for Obtaining Proportional Representation in Master

Jury Wheel:

The names of prospective jurors selected as provided herein shall be placed in a device known as the Master Jury Wheel. In order to ensure substantial proportional representation in the Master Jury wheel of citizens from each county in the division (including pretermitted divisions) who are eligible for jury service the proportional representation of counties within the division in the master jury wheel shall be determined by use of the actual number of votes cast in the general election which is being used as a basis for the determination. Thus, in ascertaining the number of prospective jurors to be selected at random in each division and placed in the master jury wheel when the master jury wheel is filled or refilled, the following formula shall be used to determine the numerical interval at which names shall be selected from the lists being used. The number of prospective jurors to be selected in the division shall be divided by the number of votes cast in the division. The quotient so secured shall represent the percentage of names to be selected from the lists being used. For example, assuming the total votes cast in the division were 100,000 and the number to be selected for the master jury wheel is 2,000, the computation will be as follows:

$$2,000 \div 100,000 = .02$$

Thus, every fiftieth name would be selected from the lists being used.

Selections of individual names from supplemented voter registration lists shall be made at random by selecting names at predetermined numerical intervals calculated to produce the proportionate number of names from each political subdivision including precincts and townships as far as practicable. Where a combination of supplemented voter registration lists is used in a county, an appropriate adjustment will be made in the quotient used for voter registration lists to reflect the proportion of registered voters actually voting.

The general election voter figures which shall be used in making the above described computations will be the votes cast in Iowa for the office of President of the United States.

Section 8: Master Jury Wheel:

A master jury wheel, or a device similar in purpose and function, shall be maintained for each active division in the district. No master jury wheel shall be maintained for the inactive divisions of this court, but all names of prospective jurors selected from counties located in the inactive divisions shall be placed in a master jury wheel on a proportional basis as follows:

Names selected from counties located in the Southern and Ottumwa divisions of this district shall be placed in the master jury wheel for the Central Division. Names selected from counties located in the Eastern Division of this district shall be placed in the master jury wheel for the Davenport Division.

Into each of the master jury wheels there shall be placed the names of prospective jurors or numbered counters for the drawing by equal chance the names or serial numbers assigned to each of the names, which have been selected at random from supplemented voter registration lists in accordance with this plan. On each occasion that a master jury wheel or device is filled or refilled under this plan, including the initial filling thereof, the minimum number of names to be placed in the master jury wheel shall be at least one-half of 1 per centum of the total number of persons on the lists used as a source of names for the division or one thousand (1,000), whichever is larger. The chief judge of this district, or in his absence the regular active district judge who is present and who has been in service the greatest length of time, may order additional names to be placed in any master jury wheel from time to time as he may determine to be necessary or desirable. Such additional names shall be selected at random and in such proportions as provided herein.

Section 9: Drawing of Names or Numbers from Master Wheel and

Completion of Qualification Form:

From time to time as directed by the chief judge, or in his absence the regular active district judge who is present and who has been in service the greatest length of time, the clerk shall publicly draw at random from each master jury wheel the names or numbers of as many persons as may be required for jury service. The Clerk of Court may, upon order of the Court, prepare an alphabetical list of the names drawn from the master jury wheel.

Any list so prepared shall not be disclosed to any person except as provided by this plan or 28 U.S.C. §§ 1867 or 1868. Upon drawing names from a master jury wheel, the clerk shall mail to every person whose name is drawn from the master jury wheel a juror qualification form, accompanied by instructions to fill out and return the form, duly signed and sworn, to the clerk by mail within 10 days. The instructions shall advise the person receiving the qualification form that if he or she is unable to fill out the form, he or she is obligated to have the form filled out by another who shall indicate by whom the form is filled out and the reason therefor. If it appears that there is an omission, ambiguity or error in a filled out and returned qualification form, the clerk shall return the form with instructions to the person to make such additions and corrections as may be necessary and to return the form to the clerk within 10 days. Any person who fails to return a completed juror qualification form as instructed in accordance with this plan, may be summoned by the clerk forthwith to appear before the clerk to fill out a juror qualification form.

A person summoned to appear by the clerk because of failure to return a juror qualification form as instructed and who personally appears and executes a juror qualification form before the clerk shall be entitled to receive for such appearance the same fees and allowances paid to jurors under Section 1871 of Title 28, United States Code, except where the prior failure properly to execute and mail such form was willful in the judgment of the court.

Any person summoned by the clerk because of his failure to return a juror qualification form as instructed and who fails to appear as directed by the clerk, shall be ordered summarily to appear and to show cause for failure to comply with the summons of the clerk by the chief judge, or in his absence the regular active district judge who is present and who has been in service the greatest length of time. Any person who fails to appear pursuant to such order to show cause or who fails to show good cause for noncompliance with the summons of the clerk shall be subject to the penalties provided in paragraph (b) of Section 1864, Title 28, United States Code.

**Section 10: Qualified Jury Wheel for the District, and for the Divisions -
Selections and Summoning of Jury Panels:**

A qualified jury wheel or a device similar in purpose and function, shall be maintained for each active division in the district. Into the qualified jury wheel, the clerk from time to time shall place the names of persons who he has drawn by equal chance from the names of all prospective jurors placed in the master jury wheel for the district as provided in Section 8 of this plan, and who have been determined to be qualified as jurors and not exempt, excluded or excused pursuant to this plan. From time to time the clerk shall publicly draw at random from the qualified jury wheel as many names of persons as may be required for assignment to grand and/or petit jury panels in the separate divisions.

When names are being selected from the qualified jury wheel for the grand jury panel and the petit jury panel at the same time, the names for the grand

jury panel shall be drawn prior to the drawing of names for the petit jury panel.

In assigning prospective jurors whose names have been drawn from the qualified wheel to grand and petit jury panels, the clerk shall assign the available prospective jurors to the panels in the order in which they are drawn from the qualified jury wheel as nearly as may be practicable. In the event unforeseeable circumstances make it impractical to assign prospective jurors in the order in which they are drawn from the qualified jury wheel, the clerk may in his discretion assign the jurors in a different order as nearly as may be reasonably practicable to the order in which they were drawn; provided that the declarations of policy and the prohibition of discrimination shall be observed and there shall be no intentional or purposeful rearrangement of the names for assignment to jury panels except as expressly authorized herein. The clerk shall prepare a separate list of names so drawn and assigned to each grand and petit jury. The names of grand jurors shall be excluded from public records and not disclosed except upon order of the Court.

When a judge of the court orders a grand or petit jury to be drawn, the clerk shall issue summonses for the required number of jurors.

Each person drawn for jury service may be served personally, or by registered, certified, or first-class mail addressed to such person at his usual residence or business address.

If such service is made personally, the summons shall be delivered by the clerk to the marshal who shall make such service.

If such service is made by mail, the summons may be served by the Marshal or by the Clerk, or their duly designated deputies, who shall make affidavit of service and shall attach thereto any receipt from the addressee for a registered or certified summons.

The names drawn from the qualified jury wheel for petit jury panels shall be disclosed to the parties and to the public within five days following the drawing upon request of any party or member of the public; provided, however, that the chief judge of the district court, or in his absence the regular active district judge who is present and who has been in service the greatest length of time, or any judge before whom a case is pending in which any of the prospective jurors concerned are expected to serve, may by special order require that the clerk keep these names confidential where the interests of justice so require.

At the time of the appearance of a prospective juror for jury service, the prospective juror may be required to fill out another juror qualification form in the presence of the clerk of the court, at which time in such cases as appears warranted, the prospective juror may be questioned, but only with regard to his response to questions contained on the juror qualification form. Any information thus acquired by the clerk may be noted on the juror qualification form which shall be transmitted to the chief judge, or in his absence the regular active district judge who is present and who has been in service the greatest length of time, or to the district judge before whom the case is pending in connection with which the juror was summoned.

Section 11: Qualifications for Exemptions and Excuses From Jury

Service:

The chief judge of this district court, or in his absence from the division, the regular active district judge who is present and who has been in service the greatest length of time, on his initiative or upon recommendation of the clerk shall, pursuant to paragraph (a), Section 1865, Title 28, United States Code determine solely on the basis of information provided on the juror qualification form and other competent evidence whether a prospective juror is unqualified for, exempt, excluded, or entitled to be excused from jury service on grand and petit juries for this district. This determination may be made before or after the juror is summoned for service. The clerk shall enter such determination in the space provided on the juror qualification form in the list of names drawn from the master wheel. If a person did not appear in response to a summons, such fact shall be noted upon the same list. Pursuant to paragraph (b) of Section 1865, Title 18, United States Code, any person shall be determined to be qualified to serve on either grand or petit juries in the district court unless he or she:

- (a) is not a citizen of the United States eighteen years old who has resided for a period of one year within the judicial district;
- (b) is unable to read, write, and understand the English language with a degree of proficiency sufficient to fill out satisfactorily the juror qualification form;

- (c) is unable to speak the English language;
- (d) is incapable, by reason of mental or physical infirmity, to render satisfactory jury service; or
- (e) has a charge pending against him for the commission of, or has been convicted in a State or Federal court of record of, a crime punishable by imprisonment for more than one year and his civil rights have not been restored by pardon or amnesty.

The following persons are barred from jury service on the ground that they are exempt under 28 U.S.C. §1863(b)(6).

- (f) members in active service in the Armed Forces of the United States;
- (g) members of the fire or police department of any municipality or political subdivision of this District;
- (h) public officers in any executive, legislative or judicial branch of the Government of the United States or the State of Iowa who are actively engaged in the performance of official duties.

Pursuant to paragraph (c) of Section 1866, Title 28, United States Code, any prospective juror who has been summoned for jury service may be excluded by the court upon the following grounds:

- (i) that such person may be unable to render impartial jury service;
- (j) that the service of such person as a juror would be likely to disrupt the proceedings;

(k) that such person be peremptorily challenged as provided by law;

(l) that such person should be excluded pursuant to the procedure specified by law upon a challenge by any party for good cause shown;

(m) that the court has determined that the service of such person as a juror would be likely to threaten the secrecy of the proceedings, or otherwise adversely affect the integrity of jury deliberations; provided, however, that no person shall be excluded upon the ground of this subparagraph (m) unless the judge in open court determines that such exclusion is warranted and that the exclusion of the person will not be inconsistent with Sections 1861 and 1862, Title 28, United States Code, and further provided that the number of persons excluded under this subparagraph (m) shall not exceed one per centum of the number of persons who return executed jury qualification forms during the period of approximately four years intervening between two consecutive fillings of the master jury wheel under this plan; and provided further that the names of persons excluded under this subparagraph (m), together with detailed explanations for exclusions, shall be forwarded immediately to the judicial council of the circuit, for its disposition under sub-division (5) of paragraph (c), Section 1866, Title 28,

United States Code. Any person excluded from a particular jury under subparagraphs (i), (j), (k), or (l), of Section 11 of this plan shall be eligible to serve other juries if the basis for his initial exclusion would not be relevant to his ability to serve on other juries.

Whenever a person is disqualified, excused, exempted or excluded from jury service, the clerk shall note in the space provided on his juror qualification form or on the juror's card drawn from the wheel the specific reason therefor.

Section 12: Individual Excuse From Jury Service:

In addition to the members or groups and classes subject to excuse from jury service on request as provided in Section 13 of this plan, set forth hereinafter, any person summoned for jury service may, on request, be excused by the Court, or by the Clerk under supervision of the Court, upon a showing of undue hardship or extreme inconvenience. The period for which such prospective juror may be excused shall be the period which the Court deems necessary under the circumstances. At the expiration of the period so fixed such person shall be summoned again for jury service or the name of such person shall be reinserted into the qualified jury wheel.

Section 13: Groups and Classes, Members of Which are Subject to Excuse on Request:

Pursuant to paragraphs (b)(5) and (b)(7) of Section 1863, Title 28, United States Code, and by the adoption of this plan, it is hereby found that jury

service by the following groups of persons and occupational classes of persons would entail undue hardship or extreme inconvenience to the members thereof and that the excuse from jury service of the members thereof on individual request would not be inconsistent with Sections 1861 and 1862, Title 28, United States Code.

- (a) Persons having active care and custody of a child or children under 10 years of age whose health and/or safety would be jeopardized by their absence for jury service; or a person who is essential to the care of aged or infirmed persons.
- (b) Actively practicing attorneys, M.D.'s, D.O.'s, chiropractors, dentists, registered nurses, and undertakers.
- (c) An actively engaged teacher, school bus driver, essential employee, or full-time student in any public, parochial, or private school or college.
- (d) Over 70 years of age.
- (e) Any person whose services are so essential to the operation of a business, commercial, or agricultural enterprise that said enterprise must close if such person were required to perform jury duty.
- (f) Persons who have served as grand or petit jurors in a state or federal court within the last two years.
- (g) Volunteer safety personnel, upon individual request, shall be

excused from jury service. For purposes of this subsection, the term "volunteer safety personnel" means individuals serving a public agency (as defined in section 1203(6) of title I of the Omnibus Crime Control and Safe Streets Act of 1968) in an official capacity, without compensation, as firefighters or members of a rescue squad or ambulance crew.

Section 14: Obligation to Serve and Period of Service:

When summoned to serve as a juror every person shall be obligated to serve unless determined to be disqualified, to be exempt, to be excluded or entitled to be excused. But in any two-year period no person shall be required to serve as a juror or to attend court for prospective service as a petit juror for a total of more than 30 days except when necessary to complete service in a particular case; nor shall any person be required to serve upon more than one grand jury or to serve as both a grand and petit juror in any two-year period.

Section 15: Selection of Jurors in Cases of Unanticipated

Shortage:

When there is an unanticipated shortage of available petit jurors drawn from any qualified jury wheel, the judge before whom a case requiring additional jurors is pending may by order of the court require the marshal to summon a sufficient number of additional petit jurors selected at random from the supplemented voter registration lists in a manner fixed by order of court

from the city, county, or division in which court is held consistent with Section 1861 and 1862 of Title 28, United States Code.

Section 16: Maintenance and Inspection of Records:

After any master jury wheel is emptied and refilled as provided in this plan, and after all persons selected to serve as jurors before the master wheel was emptied have completed such service, all papers and records compiled and maintained by the jury commission or the clerk before the master wheel was emptied shall be preserved in the custody of the clerk for four years or for such longer period as it may be ordered by this or any other court having jurisdiction to make such order, and shall be available for public inspection for the purpose of determining the validity of the selection of any jury or of the history of the operation of this plan.

Section 17: Grand Juries for the District and the Divisions

and Their Powers:

Grand juries shall be drawn for and from the entire district, or in the alternative, for and from any active division as the chief judge or in his absence from the division, the regular active judge who is present and who has been in service the greatest length of time, may direct. Grand juries drawn for and from the entire district shall be drawn from the divisional qualified jury wheels in substantially the proportion that the number of names in the master jury wheel bears to the total number of names in all master jury wheels in the district.

Section 18: Fees and Allowances of Grand and Petit Jurors:

Grand jurors and petit jurors, including prospective jurors summoned for failure to return a juror qualification form as required by this plan, shall be paid the fees and allowances as authorized by law under paragraph (a) of Section 1871, Title 28, United States Code.

Section 19: Duties of Jurors and Prospective Jurors:

Jurors and prospective jurors, including those summoned because of failure to return a juror qualification form as required, shall be obligated to appear when summoned. A person summoned pursuant to this plan as a juror or as a prospective juror because of failure to return a juror qualification form as required shall be obligated to appear at the time and place fixed in the summons. Any person failing to appear as summoned may be ordered by any regular active judge, or by any senior or assigned judge of this court to show cause for failure to comply with the summons. If cause is not shown in response to such order the juror or prospective juror may be punished as provided in paragraph (b) of Section 1864, Title 28, United States Code, and paragraph (b) of Section 1866, Title 28, United States Code.

Section 20: Time and Method of Challenging Compliance with

These Plans and with the Law:

In civil cases and in criminal cases the exclusive method of challenging compliance with the selection of any of these plans shall be those provided by

any existing statute and rule of criminal and civil procedure, including but not limited to Section 1867 of Title 28, United States Code.

Section 21: Definitions:

For the purposes of these plans:

(a) "Clerk" and "Clerk of Court" shall mean the Clerk of the District Court of the United States, any authorized Deputy Clerk and any other person authorized by the Court to assist the Clerk in the performance of functions under the Jury Selection and Service Act and the Plan of this Court.

(b) "Chief Judge" shall mean the Chief Judge of the United States District Court for the Southern District of Iowa;

(c) "Voter Registration Lists" shall mean the official records maintained by the State or local election officials of persons registered to vote in the most recent State or the most recent Federal general election; "voter registration lists" shall also include the list of eligible voters maintained by any federal examiners pursuant to the Voting Rights Acts of 1965 where the names on such lists have not been included on the official registration lists or other official registration lists maintained by state and local officials;

(d) Motor vehicle operators list means the official records maintained by the State of Iowa containing the names and

addresses of those individuals in the respective counties retaining valid motor vehicle operator's licenses;

(e) "Division shall mean (1) one or more statutory divisions of the Southern District of Iowa; or (2) statutory division that may hereafter contain one or more places of holding court; provided that each county in the Southern District of Iowa shall be included in one of the foregoing divisions as provided in paragraph (e) of Section 1869, Title 28, United States Code;

(f) "District Court of the United States," "District Court" and "Court" shall mean the United States District Court for the Southern District of Iowa;

(g) "Jury Wheel" shall include any device or system similar in purpose or function, such as a properly programmed electronic data processing system or device, or any documents similar in purpose and function to a jury wheel;

(h) "Juror Qualification Form" shall mean a form prescribed by the Administrative Office of the United States Courts and approved by the Judicial Conference of the United States, in accordance with paragraph (h) of Section 1869, Title 28, United States Code;

(i) "Public Officer" shall mean a person who is either elected to public office or who is directly appointed by a person elected to public office.

Section 22: General Provisions:

There is incorporated herein by reference as an integral portion of this plan the provisions of Sections 1861 to 1871, inclusive, of Chapter 121, Title 28, United States Code, and all amendments of said sections which may hereafter be made.